

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

BENITO ALONZO, PEDRO HERNANDEZ,
JOSHUA B. YOUNG, ADAM S. MORALES,
JASON J. HERNANDEZ, AND DAVID
BLUNT, ON BEHALF OF A CLASS OF
SIMILARLY SITUATED PRISONERS,
PLAINTIFFS,
V.
GREG ABBOTT, GOVERNOR OF THE STATE
OF TEXAS; BRIAN COLLIER, EXECUTIVE
DIRECTOR OF THE TEXAS DEPARTMENT OF
CRIMINAL JUSTICE (TDCJ); ROBERT
GRANT, PROGRAM SUPERVISOR V OF THE
SECURITY THREAT GROUP MANAGEMENT
OFFICE, TDCJ; AND TOD HARRIS, SENIOR
WARDEN, ALLAN B. POLUNSKY UNIT, TDCJ,
DEFENDANTS.

CASE NO: 17cv443

MOTION FOR THE APPOINTMENT OF COUNSEL

PLAINTIFFS, A GROUP OF TEXAS DEPARTMENT OF CRIMINAL JUSTICE (TDCJ), ALLAN B. POLUNSKY UNIT (POLUNSKY), SECURITY HOUSING UNIT (SHU) INMATES, MOVE FOR THE APPOINTMENT OF COUNSEL TO PURSUE CLASS ACTION ALLEGATIONS¹ UNDER THE EIGHTH AND FOURTEENTH AMENDMENTS OF THE UNITED STATES CONSTITUTION. PLAINTIFFS AND CLASS MEMBERS, PURSUANT TO 28 U.S.C. § 1915, REQUEST THIS COURT TO APPOINT COUNSEL TO REPRESENT THEM IN THIS CASE FOR THE FOLLOWING REASONS SET FORTH BELOW:

1. THE PLAINTIFFS AND CLASS MEMBERS ARE UNABLE TO AFFORD COUNSEL.
2. THE PLAINTIFFS AND CLASS MEMBERS ARE IN SOLITARY CONFINEMENT, WHICH HAS EXTREMELY LIMITED ACCESS TO THE LAW LIBRARY.

¹ PLAINTIFFS CIVIL RIGHTS COMPLAINT 42 U.S.C., § 1983, CLASS ACTION, DATED JANUARY 30, 2017, SIGNED BY LEAD PLAINTIFF, JASON J. HERNANDEZ, AND FILED WITH THE COURT ON BEHALF OF PLAINTIFFS AND CLASS MEMBERS, CLAIMS FACTUAL ALLEGATIONS AMOUNTING TO "CLASS ACTION ALLEGATIONS."

3. THE PLAINTIFFS AND CLASS MEMBERS HAVE LIMITED KNOWLEDGE OF THE LAW.

4. THE ISSUES INVOLVED ARE COMPLEX, AS THEY: (1) INCLUDE FACTUAL ISSUES REQUIRING THE USE OF EXPERT WITNESSES; AND (2) INCLUDE MANY MEDICAL AND PSYCHOLOGICAL ISSUES. SUCH AS, FOR EXAMPLE, (a) THE CUMULATIVE EFFECT OF EXTREMELY PROLONGED CONFINEMENT, ALONG WITH THE DEPRIVATION OF GOOD MEDICAL CARE, AND OTHER CRUSHING CONDITIONS OF CONFINEMENT AT THE POLUNSKY SHU, CONSTITUTE A SERIOUS DEPRIVATION OF AT LEAST ONE BASIC HUMAN NEED, INCLUDING BUT NOT LIMITED TO NORMAL HUMAN CONTACT, ENVIRONMENTAL AND SENSORY STIMULATION, MENTAL AND PHYSICAL HEALTH, PHYSICAL EXERCISE, SLEEP, NUTRITION, AND MEANINGFUL ACTIVITY; AND (b) EXTREMELY PROLONGED EXPOSURE TO THESE DEPRIVATIONS OF BASIC HUMAN NEEDS IS CURRENTLY IMPOSING SERIOUS PSYCHOLOGICAL PAIN AND SUFFERING AND PERMANENT PSYCHOLOGICAL AND PHYSICAL INJURY ON PLAINTIFFS AND THE CLASS THEY REPRESENT.

5. FOR THE REASONS SET FORTH ABOVE, PLAINTIFFS AND CLASS MEMBERS, REQUIRE THE REPRESENTATION BY COUNSEL EXPERIENCED IN CIVIL RIGHTS LITIGATION, PRISONERS RIGHTS LITIGATION, AND COMPLEX LITIGATION.

RELIEF REQUESTED

WHEREFORE, THE NAMED PLAINTIFFS AND THE CLASS THEY REPRESENT REQUEST THAT THIS COURT APPOINT COUNSEL TO REPRESENT THEM IN THIS CASE, PLAINTIFFS CIVIL RIGHTS COMPLAINT 42 U.S.C., § 1983, CLASS ACTION, DATED JANUARY 30, 2017, SIGNED BY LEAD PLAINTIFF, JASON J. HERNANDEZ, AND FILED WITH THE COURT ON BEHALF OF PLAINTIFFS AND CLASS MEMBERS.

SIGNED THIS 30 DAY OF January, 20 17.



PURSUANT TO 28 U.S.C. § 1746, I DECLARE UNDER PENALTY OF PERJURY THAT
THE FOREGOING MOTION FOR THE APPOINTMENT OF COUNSEL IS TRUE AND CORRECT.

SIGNED ON THIS 30 DAY OF January, 20 17.



JASON J. HERNANDEZ

1655115

POLUNSKY UNIT

3872 FM 350 SOUTH

LIVINGSTON, TEXAS 77351

CERTIFICATE OF SERVICE

PURSUANT TO 28 U.S.C. § 1746, I, JASON J. HERNANDEZ CERTIFY UNDER PENALTY OF PERJURY THAT A TRUE AND CORRECT COPY OF THE FOREGOING MOTION FOR THE APPOINTMENT OF COUNSEL, WAS MAILED TO: ATTORNEY MICHAEL MCCRUM, 404 EAST RAMSEY, SUITE 102, SAN ANTONIO, TEXAS 78216, BY REGULAR U.S. POSTAL MAIL ON JANUARY 30, 2017. I MAILED MR. MCCRUM THIS LEGAL DOCUMENT SO THAT HE COULD REVIEW IT, AND PLAINTIFF'S FAMILY COULD MAKE EXTRA COPIES FOR PLAINTIFF WHICH ARE REQUIRED TO BE FILED WITH THE COURT, WHEREFROM HIS FAMILY COULD MAIL THE MOTION FOR THE APPOINTMENT OF COUNSEL; PLAINTIFFS' MOTION FOR CERTIFICATION OF THE CLASS; CIVIL RIGHTS COMPLAINT, 42 U.S.C. § 1983, CLASS ACTION; ALONG WITH THE FILING FEE OF \$400.00, TO: DAVID J. BRADLEY, CLERK OF COURT, P O BOX 61010, HOUSTON, TEXAS 77208.

1-30-2017



JASON J. HERNANDEZ

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